

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AVROHOM P FRIED,
on behalf of himself and the class,

Case No.: 12-cv-624- Judge Skretny

Plaintiff,

v.

THE BANK OF CASTILE

Defendant.

NOTICE OF CLASS ACTION SETTLEMENT

IF YOU USED THE AUTOMATED TELLER MACHINE LOCATED AT THE BANK OF CASTILE AT 408 EAST MAIN STREET BETWEEN JUNE 15th, 2012 AND JULY 17, 2012 ("CLASS PERIOD"), YOU MAY BE A CLASS MEMBER. THIS SETTLEMENT MAY AFFECT YOUR RIGHTS.

A lawsuit alleges that The Bank of Castile ("Defendant") violated, (1) the Electronic Funds Transfer Act, 15 U.S.C. § 1693, et seq. ("EFTA") by charging ATM users a \$3.00 transaction fee because it failed to post notice of the fee on or at the machine.

Defendant denies any wrongdoing but has agreed to settle the claims to avoid the expense of the lawsuit. In this case, there are approximately 170 persons who may have claims under the EFTA. Defendant has agreed to pay the plaintiff in this case \$1,000 and to set up a fund of \$6,500 for the class and attorneys' fees and costs in the amount of \$10,000, subject to court approval.

On _____ at _____, Judge Skretny will hold a hearing to decide whether to approve the settlement. **YOU DO NOT NEED TO ATTEND THIS HEARING.** If the settlement is approved, all class members will be bound by the judgment, and eligible class members may claim benefits under the settlement.

You have three choices.

1: If you want to receive your pro rata share of the settlement money, up to a maximum of \$1,000.00 per class member, you must submit a completed Claim Form, post-marked by _____, to Class Counsel (see below). The Claim Forms are available at [www._____](http://www._____.) or by calling (212)760-2400. Failure to submit a Claim Form will preclude you from receiving payment from the settlement but you will still give up the right to sue Defendant for the EFTA claim alleged in Plaintiffs' complaint.

2: If you do not want to participate in the settlement, do not want to be paid from the settlement, and do not want to give up any rights you may have to sue Defendant for the EFTA, you must send a signed letter, post-marked by _____, to Class Counsel (see below), with your name and address stating "EXCLUDE ME FROM THE FRIED V. THE BANK OF CASTILE SETTLEMENT."

3: You may object to the settlement by writing a signed memo stating the specific reasons you object and file it with the court at 2 Niagara Square Buffalo, New York 14202 by _____. The memo must reference Case No. 12-cv-624.

For more information, visit [www._____](http://www._____.) or contact Class Counsel:

The Law Offices of Shimshon Wexler, PC, PO Box 250870, New York, NY 10025

Phone: (212) 760-2400.